

Remarks

The species taken together do indeed form a single inventive concept under PCT Rule 13.1, as confirmed by the International Authority. The single inventive concept is the high solids emulsion (solids > 45%) which contains an amino-functional organopolysiloxane and an emulsifier, and has a pH \geq 7.5.

The Office states that the lack of special technical feature is allegedly due (as Applicants best understand it) to the inventive compositions not having low viscosities. The Office States:

Applicant's specification disclose examples of the present invention and comparative compositions. However, even the compositions comprising the species that fall within the scope of the present claims are said have viscosity outside the claimed limitation. Thus, it is viewed that the species listed in each group of Groups I - III lack the same or corresponding special technical features.

This, however, is incorrect. All the inventive examples have both high solids content and low viscosities. The inventive compositions disclosed in the Examples are compositions X 610, H 601/1, and K 793. These had viscosities of 1230 mPas, 1400 mPas, and 1100 mPas respectively. There are no subject invention examples outside of the range of claim 9. Note that all these compositions also have a pH greater than 7.5.

Withdrawal of the election of species requirement is thus respectfully solicited.

Applicants have not been informed as to why they must make an election of a component of Group III since claim 9 does not mention such compounds. These are first set forth in dependent claims 14 and 15.

Claim 9 has been amended to recite that at least one amino group-containing radical Y must be present, thus incorporating language from claim 11 and the specification on pages 7 - 8. Please note that the formula for Y has been corrected. Claim 11 has been amended to recite preferred groups Y where R³ is ethyl or propyl, x is 1 and R² is hydrogen, such as the most preferred aminoethylaminopropyl radical.

Although Applicants respectfully traverse the election of species requirement, Applicants provisionally elect as follows:

For Group I: Amine Oil 1 (Table 1);

For Group II: IT 10/80 (Table 1).

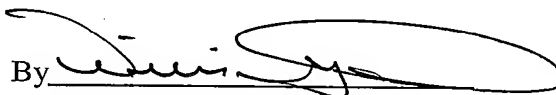
Claims reading on these species are claims 9 - 22.

For Group III (not a limitation of claim 9): AK350 (Table 1). Claims reading on I, II, and III are claims 9 - 22, since claim 9 uses the "comprising" transitional phrase.

Early favorable consideration is respectfully solicited.

Respectfully submitted,

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